



PUBLIC NOTICE

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DA 05-3026

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NOTICE OF REMOVAL OF DOMESTIC SECTION 214 APPLICATION FROM STREAMLINED TREATMENT

WC Docket No. 05-303

The application listed in this notice has been removed from streamlined treatment pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.¹ Section 63.03(c)(v) of the Commission's rules provides that at any time after an application is filed, the Commission, acting through the Chief of the Wireline Competition Bureau, may notify an applicant that its application is being removed from streamlined processing where the Commission "determines that the application requires further analysis to determine whether a proposed transfer of control would serve the public interest."²

Domestic Section 214 Application Filed for Transfer of Control of McLeodUSA-DIP to McLeodUSA, Inc., WC Docket No. 05-303

On October 27, 2005, the Commission released a public notice accepting for streamlined processing a domestic section 214 application involving McLeodUSA Telecommunications Services, Inc., Debtor-in-Possession ("McLeodUSA-DIP") and McLeodUSA Telecommunications Services, Inc. ("McLeodUSA," together with McLeodUSA-DIP, "Applicants"). Specifically, the Applicants request approval to transfer control of McLeodUSA-DIP to McLeodUSA.³ In the application, Applicant's provide notice of the planned *pro forma* transfer of McLeodUSA to McLeodUSA-DIP in connection with a planned consensual Chapter 11 financial restructuring that will change the capital structure of McLeodUSA's ultimate parent company, McLeodUSA Incorporated.⁴ Applicants also request that the Commission grant

¹ 47 C.F.R. § 63.03; *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, 17 FCC Rcd 5517 (2002) (*Streamlining Order*).

² See 47 C.F.R. § 63.03(c)(1)(v).

³ *Domestic Section 214 Application Filed for Transfer of Control of McLeodUSA-DIP to McLeodUSA, Inc.*, WC Docket No. 05-303, Public Notice, DA 05-2851 (rel. Oct. 27, 2005).

⁴ See McLeodUSA Telecommunications Services, Inc., Debtor-in-Possession, Transferor and McLeodUSA Telecommunications Services, Inc., Transferee Application for Authority Pursuant to Section 214 of the

authority for the restructuring required in connection with the emergence of McLeod-USA-DIP from bankruptcy and the associated conversion of McLeodUSA-DIP back to McLeodUSA, which was scheduled to take place on November 28, 2005.⁵ Since the filing of the application, the date for the Bankruptcy Court approval and restructuring has changed to December 15, 2005.

This application is being removed from streamlined review because the Bankruptcy Court will not have completed its evaluation of the restructuring before the date that this application would be deemed granted under the Commission's streamlining rules.⁶ Final action on this application should be expected once the Commission has received notification that the Bankruptcy Court's evaluation has been completed, but not later than 180 days from public notice that the application was accepted for filing.⁷

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Renée Crittendon at (202) 418-2352, Competition Policy Division, Wireline Competition Bureau.

Communications Act of 1934, as Amended, for the Transfer of Control of Authorized U.S. International and Domestic Communications Common Carriers, WC Docket No. 05-303 (filed Oct. 20, 2005) at 1.

⁵ See *id.* at 2.

⁶ See Letter from Jean L. Kiddoo, Swidler Berlin, LLP, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-303 (filed Nov. 21, 2005) (stating that the Bankruptcy Court will now consider the restructuring on December 15, 2005).

⁷ See 47 C.F.R. § 63.03(c)(2).